

REMARKS

Claims 1-53 were pending as of the action mailed on June 19, 2007.

Claims 1, 11, 14, 16, 17, 20-24, 32, 36-44, and 46-53 are being amended. No claims are being cancelled or newly added. No new matter has been added.

Support for the amendments to the claims may be found within the applicant's specification at least at page 4, line 2 and line 25 through page 5, line 7; and FIGS. 2a-2c and FIG. 4.

Reexamination and reconsideration of the action are requested in light of the foregoing amendments and the following remarks.

Oath/Declaration

The examiner indicated that the declaration submitted with the present application was defective for not identifying the citizenship of one of the inventors. The applicant has filed a supplemental declaration signed by the inventor that provides the missing information.

Section 112 Rejections

Claims 24, 43 and 53 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly not being enabled. Specifically, the examiner interpreted claims 24, 43, and 53 as being a "single means/single step claim".

A single means or step claim is a claim with a single element that is written in means-plus-function or step-plus-function form. 35 U.S.C. § 112, sixth paragraph ("§ 112(6)"). Claim 53 is a single means claim and has been amended to be a claim to a combination.

However, the elements of neither claim 24 nor claim 43 are means-plus-function or step-plus-function elements. Thus, § 112(6) does not apply to those claims.

Single means (or step) claims are objectionable for the reason set forth in the Hyatt case, cited by the examiner: "The long-recognized problem with a single means claim is that it covers every conceivable means for achieving the stated result, while the specification discloses at most only those means known to the inventor." *In re Hyatt*, 708 F.2d 712, 715 (Fed. Cir. 1983). The

problem does not exist in claims 24 and 43 because neither is a single means or a single step claim.

Further, the examiner states that

the specification, while being enabling for a method and an apparatus for representing visually a sort key order for a table of data by displaying on a graphical user interface display one or more markers with a pattern of distinct visual properties, does not reasonably provide enablement for representing visually a sort key order for a table of data by displaying on a graphical user interface display one or more markers with a pattern of distinct visual properties.

The applicant respectfully submits that this statement cannot reasonably be understood and that the action in this respect fails to comply with U.S.C. § 132. A claim rejection violates 35 U.S.C. § 132 if it “is so uninformative that it prevents the applicant from recognizing and seeking to counter the grounds for rejection.” *Chester v. Miller*, 906 F.2d 1574, 1578 (Fed. Cir. 1990).

Withdrawal of the rejections under 35 U.S.C. § 112, first paragraph, is therefore respectfully requested.

Section 102 Rejections

Claims 1-18, 20-29, and 31-53 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Windows Explorer (bundled with Windows® XP Pro, © 1981-2001 Microsoft® Corporation), (“Windows”).

Claims 1, 32, and 44

In rejecting claims 1, 32, and 44, the examiner cited Windows. To expedite prosecution, claims 1, 32 and 44 have been amended to include features not taught or suggested by Windows. Specifically, claims 1, 32 and 44 have been amended to require two or more sort keys, where each sort key has a sort direction. Additionally, the claims, as amended, require the table of data to be sorted according to the two or more sort keys, the sort key order, and the sort key directions.

The images in Windows cited by the examiner teach a sort of only one column (sort key) at a time. The applicant respectfully submits that this is not two or more sort keys, where each

sort key has a sort direction, and the table of data is sorted according to the two or more sort keys, the sort key order, and the sort key directions.

Additionally, in rejecting the portion of the claim limitation requiring a user input gesture selecting a marker, the applicant notes that the examiner has cited the triangle icon as the “marker” in both FIG. 1 and FIG. 2.

Claims 20, 39, and 49

In rejecting claims 20, 39, and 49, the examiner cited Windows. To expedite prosecution, claims 20, 39, and 49 have been amended to include features not taught or suggested by Windows. Specifically, claims 20, 39, and 49, have been amended to require two or more sort keys, where each sort key has a sort direction. Additionally, the claims, as amended, require the table of data to be sorted according to the two or more sort keys, the sort key order, and the sort key directions.

The images in Windows cited by the examiner teach a sort of only one column at a time. The applicant respectfully submits that this is not two or more sort keys, where each sort key has a sort direction, and the table of data is sorted according to the two or more sort keys, the sort key order, and the sort key directions.

As noted above with regard to claims 1, 32, and 44, in rejecting the portion of the claim limitation requiring a user input gesture selecting a marker, the applicant notes that the examiner has cited the triangle icon as the “marker” in both FIG. 1 and FIG. 2.

In rejecting the portion of claims 20, 39, and 49 requiring a user input selecting a marker and dragging the marker to an area of the graphical user interface display, the applicant notes that the examiner cites the dragging (resizing) of the size and name boxes as selecting and “dragging the marker” in FIG. 5.

The applicant respectfully submits that the marker can not be both the triangle icon (as cited for claims 1, 32, and 44), and the size or name box (as cited for claims 20, 39, and 49). As the examiner has cited both the triangle icon and the size box as the same marker in different

claims, the applicant submits that the examiner's cited art does not teach or suggest each and every aspect of the applicant's claimed invention.

Claims 23, 42, and 52

In rejecting claims 23, 42, and 52, the examiner cited Windows. To expedite prosecution, claims 23, 42, and 52 have been amended to include features not taught or suggested by Windows. Specifically, claims 23, 42, and 52 have been amended to require two or more sort keys, where each sort key has a sort direction. Additionally, the claims, as amended, require the table of data to be sorted according to the two or more sort keys, the sort key order, and the sort key directions.

Additionally, claims 23, 42, and 52 were rejected for reasons similar to those noted above with regard to the rejection of claims 20, 39, and 49. The applicant respectfully submits that claims 23, 42, and 52 are therefore allowable for at least those reasons that apply to claims 20, 39, and 49.

Claims 24, 43, and 53

In rejecting claims 24, 43, and 53, the examiner cited Windows FIG. 1 with a single marker in the form of a triangle icon. To expedite prosecution, claims 24, 43, and 53 have been amended to include features not taught or suggested by Windows. Specifically, claims 24, 43, and 53, have been amended to require two or more markers, where each marker has a distinct visual property. The applicant respectfully submits that the single triangle icon is not two or more markers, where each marker has a distinct visual property, as required by claims 24, 43, and 53.

Claims 37 and 47

In rejecting claims 37 and 47, the examiner cited Windows. To expedite prosecution, claims 37 and 47 have been amended to include features not taught or suggested by Windows. Specifically, claims 37 and 47, have been amended to require two or more sort keys, where each

sort key has a sort direction. Additionally, the claims, as amended, require the table of data to be sorted according to the two or more sort keys, the sort key order, and the sort key directions.

Claims 38 and 48

In rejecting claims 38 and 48, the examiner cited Windows. To expedite prosecution, claims 38 and 48 have been amended to include features not taught or suggested by Windows. Specifically, claims 38 and 48, have been amended to require two or more sort keys, where each sort key has a sort direction. Additionally, the claims, as amended, require the table of data to be sorted according to the two or more sort keys, the sort key order, and the sort key directions.

Remaining Claims

The remaining claims depend from or correspond to independent claims 1, 20, 24, 32, 39, 44, and 49, and are allowable for at least the reasons that apply to those independent claims.

Withdrawal of the rejection under 35 U.S.C. § 102(b) is therefore respectfully requested.

Section 103 Rejections

Claims 19 and 39 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Windows.

Claims 19 and 39

The applicant believes that the examiner meant to reject claims 19 and 30. Claim 39 was rejected under § 102; and claim 30 corresponds to claim 19.

Claims 19 and 30 depend from claims 1 and 24, respectively, and are allowable for at least the reasons that apply to those independent claims. Independent claim 39 is also allowable, as noted above.

Withdrawal of the rejection under 35 U.S.C. § 103(a) is therefore respectfully requested.

Conclusion

For the foregoing reasons, the applicants submit that all the claims are in condition for allowance.

By responding in the foregoing remarks only to particular positions taken by the examiner, the applicant does not acquiesce with other positions that have not been explicitly addressed. In addition, the applicant's selecting some particular arguments for the patentability of a claim should not be understood as implying that no other reasons for the patentability of that claim exist. Finally, the applicant's decision to amend or cancel any claim should not be understood as implying that the applicant agrees with any positions taken by the examiner with respect to that claim or other claims.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

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